

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday, June 20, 2005

Mayor James Schmidt called the meeting to order at 7:05 p.m. Council members present: Alan Bernholtz, Margot Levy, Ron Chlipala, Michael Helland, Bill Coburn and Skip Berkshire. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Finance Director Lois Rozman, Town Planner John Hess and Chief Marshal Tom Martin (for part of the meeting).

Schmidt noted that during the work session prior to the regular meeting, Council and the Town Manager discussed Council priorities that were developed in December of 2004. Schmidt complimented Council and staff for their work in accomplishing many of the priorities.

Approval of the minutes of the June 2, 2005 regular Council meeting.
Coburn moved and Chlipala seconded to approve the minutes of the June 2, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. PUBLIC COMMENTS

Crested Butte resident Karen Robbins discussed the Crested Butte cemetery. Robbins made a number of comments and suggestions regarding the cemetery. She said it's important that an updated and accurate map be completed and that existing records regarding on site information be evaluated and updated. Other suggestions include:

- Consider purchasing cemetery software for improved recordkeeping
- Consider asking members of the master-gardener program to volunteer to work on the grounds and evaluate needs at the cemetery.
- Increase the price of lots and charge different prices for area residents and non-residents. And use the increased revenue for cemetery improvements.
- Research grants for the cemetery with the Colorado Historical Society.
- Asked the Council to consider appointing a committee to review record keeping needs and evaluate the maintenance of cemetery grounds. And consider hiring someone to help facilitate and implement goals.
- Explained that the Town needs to clarify the Town's role and vision regarding the cemetery.

Bell explained that the cemetery has suffered some neglect over the years. He noted that \$6,000 has been budgeted for cemetery improvements and that he is working on giving some needed attention to concerns regarding the cemetery. He said he is hoping to get volunteers from the Rotary Club to help with work at the chapel as well as weeding and grounds maintenance. Bell explained that he does

not think the Town should do any work on individual plots other than basic maintenance.

Town Clerk Hughes explained that a survey of the cemetery is in progress and she has been prodding the surveyor to complete the work. She added that town staff is encountering a number of problems with the existing cemetery map and records and once the survey is complete then they can start addressing improved record keeping.

Council directed staff to appoint a cemetery committee and directed Bell and Hughes to decide how to proceed.

Mike Wright said he was aware that Council submitted comments to the Board of County Commissioners and the Planning Commission regarding the proposed Larkspur Subdivision. He said it seemed significant that Town representatives did not present verbal testimony at the public hearing on the proposed subdivision and he asked if Council intended to follow up on the points made in their letter. Council explained that they usually keep abreast of issues and expect a revised plan for Larkspur will be developed, and they will review the plan and may comment again. Council also indicated that council members and Town staff often do comment verbally on issues of concern but sometimes scheduling conflicts prevent attendance.

COUNCIL COMMENTS

Levy:

- Explained that she was contacted by local residents regarding concerns about construction noise. Levy proposed that an ordinance be drafted regarding limits on the hours of construction. Council agreed and directed the Town Attorney to draft an ordinance.

4. PUBLIC HEARINGS

A) Special Events Permit- Union Congregational Church (UCC) 125th Anniversary Celebration- August 14, 2005.

Reverend Tim Clark was present representing the UCC. He invited members of the Council to attend the celebration and noted that the UCC church is the oldest church on the Western slope of Colorado.

Bernholtz moved and Levy seconded to approve a special events permit for the UCC 125th Anniversary Celebration. Roll call vote taken with all voting yes.

Motion passed unanimously.

B) Special Events Liquor License - Union Congregational Church (UCC) 125th Anniversary Celebration- August 14, 2005.

Bernholtz moved and Chlipala seconded to approve a special events liquor license for the UCC 125th Anniversary Celebration. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Special Events Permit-KBUT Radio Friday Night Fish Fry Celebration- July 22, 2005. Crank's Plaza at 507 Maroon Ave.

KBUT representative Josh Elmer was present. Elmer explained that the event is earlier in the summer this year because KBUT is hosting the Alpine Jam in September and they did not want to hold two events close together.

Bernholtz moved and Levy seconded to approve a special events permit and liquor license for the KBUT Friday Night Fish Fry Celebration. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Special Events Liquor License-Crested Butte Academy Annual Tipi Party and Fundraiser- July 27, 2005-Private Open Space in the Verzuh Annexation.

Academy representative Chris Stenger was present. Stenger explained the event is basically the same as last year but at a different location.

Bernholtz moved and Coburn seconded to approve a special events liquor license for the Crested Butte Academy Tipi party. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Ordinance No. 11, Series 2005- An Ordinance Amending the Code to Establish Restrictions on News Racks on Elk Ave. in the Town of Crested Butte.

Schmidt read the title of the ordinance and opened the public hearing. There were no public comments. Bell explained that the news racks were ready to be installed and thus far the Town has not incurred any costs. He explained that the news racks are refurbished and if they are not satisfactory they can be upgraded.

Coburn moved and Levy seconded to approve Ordinance No. 11, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Ordinance No. 9, Series 2005- An Ordinance Amending the Town Code to Adopt by Reference the International Mechanical Code, 2003 Edition, the International Plumbing Code, 2003 Edition, the National Electrical Code 2005 Edition and the International Fuel Gas Code. Schmidt read the title of the ordinance and opened the public hearing. There were no public comments. Bell noted that from the staff's perspective including the Fuel Gas Code in the ordinance was not a problem. Bell also explained that the Fuel Gas Code is not a code that the Town enforces.

Coburn moved and Levy seconded to approve Ordinance No. 9, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

5. **NEW BUSINESS**

A) Ordinance No. 12, Series 2005- An Ordinance Regarding Enforcement of Parking Violations and Allowing the Town to "Boot" Vehicles for Multiple Parking Violations. Magner explained that she had not yet prepared an ordinance and noted a memo in the packet explaining that certain administrative procedures need to be followed prior to booting or towing a vehicle. Chief Marshal Tom Martin explained that the ordinance would allow the Marshals to tow or boot a vehicle. Council discussed the topic. Bernholtz said booting vehicles seemed too

aggressive. Berkshire explained that he did not support booting but thought towing was a better approach. Several other council members voiced support for the proposed ordinance and indicated that the Marshals should have discretion on whether to tow or boot and it's important that the Marshals have options for enforcing unpaid parking tickets. Council directed the Town Attorney to draft an ordinance.

B) Approval of Town of Crested Butte Financial Audit.

Bell distributed a management letter regarding the audit and complimented the Finance Department on a terrific job. Council briefly discussed the audit. Chlipala noted that the auditor suggested that the Council be involved in the finances of the Town. Rozman explained that she interprets that to mean the Council should feel free to ask questions. Rozman also noted that it's important that Council pay attention to the long-term affects of projects that are approved. Rozman also explained that new accounting guidelines require Town assets to be detailed in the financial statements and the assets also need to be depreciated. Council complimented Rozman on her excellent work.

Bernholtz moved and Coburn seconded to approve the Town of Crested Butte 2004 Financial Audit Report. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Approval of Revocable License Agreement for Salt Lick Building Concerning Encroachment Awning above Public Property.

Coburn excused himself due to a conflict of interest and left the room. Bell explained that the revocable license concerns an awning on the Salt Lick building. Council briefly discussed concern about why an encroachment would be designed into a building and why it came to the Council after BOZAR review. Council also questioned whether placement of heating coils under the sidewalk (town right of way) is also something that should require a revocable license agreement. Council directed staff to research the issue of heating coils under the sidewalk and if that should trigger a revocable license agreement and also directed staff to research putting procedures in place during the building permitting process for revocable licenses. Council clarified that would like revocable licenses for items such as awnings to be addressed before BOZAR approval is granted.

Chlipala moved and Helland seconded to approve a revocable license for an awing on the Salt Lick building. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Coburn returned to the council meeting.

D) Coffee with the Council Follow up Discussion

Bell said he has not heard any comments from the public regarding Coffee with the Council. Levy said she emailed local business owner Cinda Blewett regarding Coffee with the Council because she routinely attended. Levy said Blewett indicated supported for continuing Coffee with the Council. Levy voiced support for Coffee with the Council. Berkshire voiced support for Coffee with the

Council on Monday mornings. Several other council members noted that on many occasions no one from the public has attended and also it's difficult for them to attend particularly on Monday mornings. The majority of the council was not in favor of continuing Coffee with the Council.

6. LEGAL MATTERS/TOWN ATTORNEY

Magner requested an executive session later in the meeting for the purpose of receiving legal advice on specific legal questions. Council and Bell requested that the Executive Session also include a number of additional items.

Chlipala moved and Bernholtz seconded to go into executive session after Other Business for the following items:

- For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b).
- For discussion of a personnel matter under C.R.S. Section 24-6-402 (2) (f).
- To discuss the purchase of real, personal or other property interest, under C.R.S. Section 24-6-402 (4) (a).
- To discuss pending litigation.

Roll call vote taken with all voting yes. **Motion passed unanimously.**

7. STAFF REPORTS

Hess:

- Attended an Environmental Protection Agency (EPA) meeting regarding clean up of the Standard Mine. The EPA asked who would like to be involved in a Technical Advisory Group (TAG). The group will be eligible for \$50,000 funding. Hess noted that the Coal Creek Watershed Coalition made a pitch to serve as the TAG.
- The Gunnison County Planning Commission recently discussed the proposed Whetstone Business Park. Hess noted that he explained that the Town has not heard from the proponents regarding a revenue sharing plan with the Town of Crested Butte. The Planning Commission indicated that it's preferable to have large buildings at Whetstone due to the unsightliness of the outside storage at the Riverland Industrial Park. The proponents of the Whetstone Business Park want to provide five residential affordable housing units to meet the County's affordable housing standards.
- Explained that some people who attended a recent county public hearing on the proposed Larkspur subdivision raised the issue of the commercial aspect of the recreational facilities proposed for the subdivision. Hess asked council if they wanted to comment on the commercial aspect. Council did not indicate a desire to comment.

Hughes:

- Explained that the Gunnison County Clerk is requesting the Gunnison County Board of Commissioners (BOCC) to approve a mail ballot election for the November 1, 2005 election. Hughes explained that the Town

usually participates in the coordinated election but if the Town did not want to have a mail ballot election, the Town would need to run their own election. She said either option will be more costly than a coordinated polling place election and if the Town opts to have its own election that will be the most expensive.

Schmidt said he is not in support of a mail ballot election.

- Reported that she is still working on the Town's website and intends to give the council the temporary website address later this week so they can review the website and provide feedback.

Bell:

- Reviewed several items from the "Other Notes" section of his June 16, 2005 memo to the council. He noted that Crested Butte Mountain Resort (CBMR) representative John Norton probably will be scheduled for a council meeting in September 2005 to give a presentation regarding expansion of the ski area onto Snodgrass Mountain.
- Inquired if any council members could attend a water roundtable on Thursday June 23, 2005. No members were available. Bell said he would arrange for teleconference participation from the Colorado Municipal League Conference that he Levy and Schmidt are attending.
- Noted he will provide a resolution for the July 5, 2005 council meeting regarding Time Warner assuming the existing Adelphia franchise agreement with the Town (Adelphia has been acquired by Time Warner).
- Noted his memo item regarding the tin shed behind the museum. Bernholtz said he thinks the Town should make a decision regarding the use of the tin shed by September so the Museum will know the status of the building.
- Bell discussed plans for dandelion mitigation as noted in his memo.
- Discussed the pump room above the fire hall and the letter to the Council from Dansummer regarding expansion options for the building. Bell said the appropriate approach is to refer the item back to the Fire Department since they own the building (the town has a lease). Bell said the long term goal is for the Town to relinquish the lease to the Fire Department. Council agreed and requested staff to follow through.

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Chlipala:

- Mountain Express will be using biodiesel again in two weeks. It will be a new blend.

Levy:

- Attended a Tourism Association meeting. The TA will be embarking on a \$96,000 joint marketing campaign with Crested Butte Mountain Resort.

Ads will be placed in in-flight magazines and on airline meal tray cards. Lodging tax revenues for the first quarter of 2005 were up 14 percent county wide. The TA recently conducted a familiarization tour for travel agents and travel writers.

Schmidt:

- The Rural Transportation Authority (RTA) board changed meeting dates to the first Thursday of every month at 9:30 a.m. RTA representatives will be attending a meeting in Dallas, they are working on assuring that in the event that flights bound for Gunnison need to be rerouted, they are rerouted to Montrose.
- The attendees at a recent mayor and managers meeting went on a tour of Gunnison's new recreational facility which will be opening in late July.

OTHER BUSINESS TO COME BEFORE COUNCIL –None

Council took a ten minute break and then went into executive session. Council returned from executive session at 9:47 p.m. and took no action.

Schmidt adjourned the meeting at 9:47 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk